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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/240,588	02/01/99	GRANDCOLAS	M CITI0035-CON

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EXAMINER

NGUYEN, N

ART UNIT

PAPER NUMBER

2764

DATE MAILED:

10/21/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/240,588

Applicant

Grandcolas et al.

Examiner

Nga B. Nguyen

Group Art Unit

2764



☒ Responsive to communication(s) filed on Aug 10, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 14-21 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☒ Claim(s) 19-21 is/are allowed.
- ☒ Claim(s) 14-18 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- *Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

1. This Office Action is in response to the Amendment received on August 11, 1999 , which paper has been placed of record in the file.
2. Claims 14-21 are pending in this application.

Response to Amendment/Arguments

3. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter/Reasons for Allowance

4. The independent claims 19 is allowable over the prior arts of cited record because none of the reference taken individually or in combination discloses/teaches the obviousness of a system for distributing information to a plurality of customers comprising the following limitation: a token creator-mapper for creating a first and second token representation of the data provided by the application.
5. Claim 20-21 are allowed because they are dependent claims of the allowable independent claims 19.

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Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 14-18 are rejected under 35 U.S.C 101 because the claimed invention is directed to non-statutory subject matter.

The claims, as presently claimed and best understood were reconsidered in light of the "Examination Guidelines for Computer-Related Inventions" and were found to be non-statutory. Discussion of the analysis of the claims under the guidelines follows.

Regarding to claims 1-25, the invention is not implemented on a specific apparatus; therefore, the invention is not directed to the technological arts. To be statutory, the utility of an invention must be within the technological arts. *In re Musgrave*, 431 F.2d at 893, 167 USPQ at 289-90, cited with approval in *In re Schrader*, 22 F.3d at 297, 30 USPQ 2d at 1461 (Newman, J., dissenting). The definition of "technology" is the "application of science and engineering to the development of machines and procedures in order to enhance or improve human conditions, or at least to improve human efficiency in some respect." (Computer Dictionary 384 (Microsoft Press, 2d ed. 1994)). When one looks to the present specification to determine what Applicants have invented, the invention appears to be a series of steps performed on a computer. It is clear that claims 14-18 are intended to be directed to the abstract method apart from the apparatus for performing the method. Therefore, the claims are non-statutory, because they are directed solely

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to an abstract idea without practical application in the technological arts. *In re Schrader*, 22 F.3d at 293-94, 30 USPQ 2d at 1458-59; *In re Warmerdam*, 33 F.3d at 1360, 31 USPQ 2d at 1759.

It is for these reasons that the claims are deemed to be non-statutory.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

9. Claims 14-18 are rejected under 35 U.S.C. 102(a) as being anticipated by Zeanah et al, U.S. Patent No. 5,933,816.

Regarding claim 14, Zeanah et al disclose a method of interfacing a plurality of different access devices to either a legacy application or canonical application as described in column 13, lines 63-column 14, line 41), comprising:

parsing a data stream from the desired application if the desired application is a legacy application;

creating a token representation of the data stream from the desired application, regardless if the application is a legacy application or a canonical application; and

forwarding the token representation to one of the plurality of access devices.

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Regarding claim 15, Zeanah et al disclose the step of displaying the data stream on the one access device (see abstract).

Regarding claim 16-18, Zeanah et al disclose the one access device is a home computer, a personal digital assistant, or a screen phone (abstract, lines 1-4).

Conclusion

10. Claims **14-18** are rejected.

Claims **19-21** are allowed.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nga B. Nguyen, whose telephone number is (703) 306-2901.

The examiner can normally be reached on Monday-Thursday from 7:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell, can be reached on (703)305-9768.

12. **Any response to this action should be mail to:**

Commissioner of Patents and Trademarks

c/o Technology Center 2700

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

or:

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(703) 308-5397 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

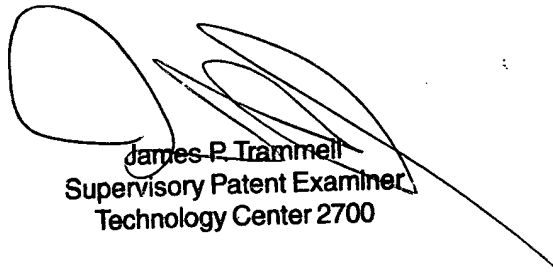
Hand-delivered responses should be brought to Crystal Park II,

2121 Crystal Drive, Arlington.

VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)305-3900.

Nga B. Nguyen
October 13, 1999



James P. Trammell
Supervisory Patent Examiner
Technology Center 2700